



U.S. DEPARTMENT of STATE

Spain

Country Reports on Human Rights Practices - [2003](#)

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Spain is a democracy with a Constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. Since 1996, Jose Maria Aznar of the Popular Party has been Prime Minister, with the title President of the Government. Elections were free and fair. The next national elections were scheduled for March 14, 2004. The judiciary is independent.

Internal security responsibilities are divided among the National Police, which are responsible for security in urban areas; the Civil Guard, which police rural areas and control borders and highways; and police forces under the authority of the autonomous communities of Catalonia and the Basque Country. Civilian authorities maintained effective control of the security forces. There were allegations that some members of the security forces committed isolated human rights abuses.

The market-based economy, with primary reliance on private enterprise, provided the population of over 40 million with a high standard of living. The economy grew during the third quarter at a 2.4 percent annual rate. The annual inflation rate was 3 percent at year's end. Unemployment decreased to 11.0 percent by November. Wages generally kept pace with inflation.

The Government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and judiciary provide effective means of addressing individual instances of abuse. There were allegations that a few members of the security forces abused detainees and mistreated foreigners and illegal immigrants. According to Amnesty International (AI), government investigations of such alleged abuses often were lengthy and punishments were light. Lengthy pretrial detention and delays in trials were sometimes problems. Violence against women was a problem, which the Government took steps to address. Societal discrimination against Roma and immigrants remained a problem, as did occasional violence against immigrants. Trafficking in women and teenage girls for the purpose of prostitution was a problem, which the Government took steps to address.

The terrorist group ETA (Basque Fatherland and Liberty) continued its campaign of shootings and bombings, killing three persons during the year. ETA sympathizers also continued a campaign of street violence and vandalism in the Basque region intended to intimidate politicians, academics, and journalists. Judicial proceedings against members of ETA continued, and Spanish and French police arrested 126 suspected ETA members and collaborators.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

ETA, whose declared goal is to establish an independent Basque state, continued its terrorist campaign of bombings and shootings, killing three persons as of September. ETA publicly claimed responsibility for its attacks. On February 8, ETA shot and killed a municipal policeman in Andoain (Guipuzcoa), and on May 30, a car bomb killed two national policemen in Sanguesa.

The Government continued to pursue legal actions against ETA members. By October, police had arrested 126 ETA members and collaborators, and had dismantled 5 ETA operational cells and 2 support cells. Authorities in France, Mexico, the Netherlands, Switzerland, Venezuela and Germany have arrested, and in some cases extradited to Spain, ETA members.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, suspects charged with terrorism at times asserted that they were abused during detention, as did suspects in other types of detention. An AI report stated that torture was not present in a systematic form in the country, but certain practices could facilitate mistreatment. They urged an end to legal provisions that allow police to hold suspects of certain terror-related crimes for up to 5 days with access only to a public lawyer. AI stated that giving suspects access to a lawyer of their choice would make for better observations of treatment in police custody. AI was also concerned about continuing reports of mistreatment of detainees in immigration detention centers, and urged the Government to broaden its definition of torture to include rape by authorities while in custody, as some authorities have been convicted of sexual abuse against immigrant women in previous years. However, there were no reports of sexual abuse by authorities against immigrant women during the year.

The Council of Europe's Committee for the Prevention of Torture made public a report in March of the July 2001 inspection that indicated that the Government had not complied with some of its recommendations in order to avoid mistreatment in jails. The Committee reiterated its recommendations that the Government reduce from 5 days to 2 the maximum period allowed for authorities to notify relatives or other persons of the fact and place of a subject's detention; that persons held in incommunicado detention be allowed a medical examination by a doctor of their own choice and receive written information regarding this proposed right; and that detainees be provided with more immediate access to a lawyer.

In the province of Girona, four Catalan policemen were sentenced to 1 year in prison and 8 years in rehabilitation for the torture of two young men who they thought were drug traffickers. In 2002, AI reported that police had abused undocumented Moroccan minors, particularly in the Spanish North African enclaves of Ceuta and Melilla, and that some undocumented minors were returned to Morocco without sufficient concern for their welfare (see Section 2.d.). No reports of abuse were received during the year; however, AI continued to express concerns about the adequacy of placement services for undocumented minors returned to Morocco.

In addition to killings, ETA bombings and attempted bombings caused numerous injuries and property damage. Several of these attempts were directed at the tourist industry, including bombings in July in Pamplona, Alicante, Benidorm and Santander. In addition to attacks aimed at tourist zones, in February, ETA set off a bomb close to the residence of a police officer in Bilbao. Between June and August, ETA planted two car bombs in Bilbao, and a total of five bombs in Vizcaya, Guipuzcoa, and Estella, Navarra. The latter one was placed near the entrance of the local Court.

Prison conditions generally met international standards. In the prison system, women were held separately from men; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals.

The Government permits visits by independent human rights observers. In October, the U.N. special rapporteur Theo van Boven visited the country on behalf of the U.N. Commission on Human Rights, investigating allegations of torture made by ETA suspects.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Police forces include the National Police, Municipal Police, the Civil Guard, and police forces under the authority of the autonomous communities of Catalonia and the Basque Country. All police forces operated effectively with no reports of systemic corruption. The Constitution provides for an ombudsman, called the People's Defender (Defensor del Pueblo), who investigated claims of police abuse (see Section 4). Police internal investigators have

15 days to respond to Ombudsman inquiries, and the Ombudsman's Office issues findings on the results of the investigation and can impose sanctions. The Ombudsman can execute unannounced inspections of police facilities.

Arrest warrants were based on sufficient evidence and issued by a duly authorized official. Persons were apprehended openly and brought before an independent judiciary. A suspect may not be held for more than 72 hours without a hearing except in cases involving terrorism, in which case the law permits holding a suspect an additional 2 days--or a total of 5 days--without a hearing. A judge may authorize semi-incommunicado detention for terrorism suspects, in which suspects have access only to a court-appointed lawyer.

At times pretrial detention was lengthy. By law, suspects may not be confined for more than 2 years before being brought to trial, unless a further delay is authorized by a judge, who may extend pretrial custody to 4 years. In practice pretrial custody usually was less than 1 year. By September, approximately 22.7 percent of the prison population was in pretrial detention (12,540 out of 55,223 inmates), although that number included convicted prisoners whose cases were on appeal. Pretrial delays are a feature of the legal system, and do not appear to be the result of corruption, judicial inefficiency, financial constraints, or staff shortages.

The law on aliens permits the detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting (see Section 2.d.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the proceedings. The National High Court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights (ECHR) is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. There was a nine-person jury system. Defendants enjoy the presumption of innocence and have the right to be represented by an attorney (at state expense for the indigent), to confront witnesses and to present witnesses on their behalf, and to have access to government-held evidence. Defendants were released on bail unless the court believed that they might flee or be a threat to public safety. Following a conviction, defendants may appeal to the next higher court.

The law calls for an expeditious judicial hearing following arrest; however, the judicial process often was lengthy (see Section 1.d.). Since April 28, the courts have set a goal of resolving petty crimes cases (those with possible punishments of less than 5 years) in a maximum of 15 days.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Under the Criminal Code, the authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. However, the antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in "cases of emergency."

The parents or legal guardians of a person with mental disabilities may petition a judge for sterilization of that person (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Opposition viewpoints, both from political parties and nonpartisan organizations, were reflected freely and widely in the active and independent media. TVE (TV-1 and TV-2) and Radio Nacional were state media. The autonomous regions' TV stations (TV Catalunya, Canal Sur, et al) were affiliated with their respective regional governments. The news agency EFE was also state-owned. International media operated freely.

On February 20, the Government closed the Basque newspaper, Euskalunon Egunkaria, because of its links to ETA. ETA and its sympathizers continued their violent campaign of intimidation against political, press, and academic professionals and organizations in the Basque country (see Sections 1.a. and 1.c.). At the beginning of the year, the police dismantled a massive operation in which ETA was preparing to send letter bombs to journalists, judges, politicians, and prison workers. An International Press Institute report issued in March indicated that journalists worked under the threat of terrorism. One of ETA's tactics was the distribution of their style guides, which threatens reporters who do not cover ETA actions and goals in a favorable manner.

The trade union Comisiones Obreras (Working Commissions) took Spanish national television (TVE) to court for what it claimed was the unfair treatment the 2002 general strike received on that network. In June, the court ordered TVE to air further coverage regarding the strike.

The Government did not restrict access to the Internet or academic freedom. ETA and elements of radical Basque nationalism continued to intimidate and pressure unsympathetic academics to leave the region.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution declares the country to be a secular state, and various laws provide that no religion should have the character of a state religion; however, Catholicism was the dominant religion and enjoyed the closest official relationship with the Government. Among the various benefits enjoyed by the Catholic Church was financing through the tax system. Judaism, Islam, and many Protestant denominations had official status through bilateral agreements but enjoyed fewer privileges. Other recognized religions, such as Jehovah's Witnesses and the Church of Jesus Christ of Latter-day Saints (Mormons), were covered by constitutional protections but had no special agreements with the Government.

The law establishes a legal regime and certain privileges for religious organizations to benefit from this regime. Religions not recognized officially, such as the Church of Scientology, were treated as cultural associations. Leaders of the Protestant, Muslim, and Jewish communities reported that they continued to press the Government for privileges comparable to those enjoyed by the Catholic Church. Protestant and Muslim leaders wanted like their communities to receive government support through an income tax allocation or other designation.

Protests against the construction of mosques continued in various parts of Catalonia, according to community sources.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and law provide for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR), in assisting refugees and asylum-seekers. Under the law,

asylum requests are adjudicated in a two-stage process, with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. The Interministerial Committee for Asylum and Refuge (CIAR) examines the applications accepted for processing and included representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a non-voting member of the UNHCR. The Minister of the Interior must approve the decision of the CIAR in each case. According to provisional statistics, as of August 30 there were 3,564 applications for asylum, of which the Government granted 159 asylum status and admitted 59 others for humanitarian or other reasons. The largest number of applicants came from Nigeria, Cuba, and Colombia.

The UNHCR advised authorities throughout the asylum process. Applicants for asylum have the right to have their applications sent immediately to the local office of the UNHCR. The authorities were not bound by the judgment of the UNHCR in individual cases, but they often reevaluated decisions with which the UNHCR did not agree. Appeals of rejection at either stage may be made to the National High Court, and appeals of the National High Court's decisions may be made to the Supreme Court.

Asylum requests may be made from outside, as well as within the country. Individuals at ports of entry who lack visas or permission to enter the country are allowed to apply for asylum; the applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases where persons apply inside the country, a decision must be reached within 2 months, but in cases where persons have applied at a port of entry, this period is reduced to 72 hours. The period for filing an appeal in such cases is 24 hours.

The Government also provides temporary protection to persons who do not qualify as refugees or asylees. Regulatory changes in 2001 redefined the basis for admission on humanitarian grounds for certain applicants who do not meet the requirements of the 1951 Convention. Those granted admission for humanitarian reasons must renew their status annually. The law allows the applicant a 15-day grace period in which to leave the country if refugee status or asylum is denied. Within that time frame, the applicant may appeal the decision, and the court of appeal has the authority to prevent the initiation of expulsion procedures, which normally begins after 15 days.

In April, the Ministry of Interior and the International Organization for Migration signed an agreement to promote volunteer return of illegal immigrants, as well as of asylum and refugee seekers who so desire, to their countries of origin.

AI called for more in-depth, case-by-case reviews of the welfare of minors being returned to Morocco before their expulsion. The law prohibits the repatriation of minors without social services' knowing where the child will be returned and authorities generally respected that provision. The Government was seeking more cooperation from Morocco in getting reinsertion information to facilitate the transfer of illegal minors, and this issue was raised at the Spain-Morocco summit in December.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country has a multiparty democracy with open elections in which all citizens 18 years of age and over have the right to vote by secret ballot. At all levels of government, elections are held at least every 4 years. In 2000, Jose Maria Aznar of the Popular Party was reelected Prime Minister, with the title President of the Government. The next national elections are scheduled to take place on March 14, 2004.

Governmental power was shared between the central Government and 17 regional "autonomous communities." Local nationalist parties gave political expression to regional linguistic and cultural identities.

On March 17, the Spanish Supreme Court unanimously decided to declare Batasuna to be the political arm of ETA, a terrorist organization, and therefore illegal. The de-legalization means that Batasuna, Euskal Herriarrok and Herri Batasuna were erased from the registry of political parties; that they will not be able to participate in any elections; that none of their activities (meetings, publication, propaganda, electoral process) will be permitted; and that their patrimonial assets will be sold off and the proceeds used for social or humanitarian activities.

In September, the Basque Government initiated a claim against the Spanish Government at the ECHR. The claim alleges that the Law of Political Parties, used as a base to de-legalize Batasuna, violates fundamental rights. In November, the ECHR officially received the cases of 221 Batasuna candidates who were not allowed to stand for office, but made no rulings on them by year's end. During the year, the European Parliament released a human rights report stating that the Law of Political Parties is "in accordance with the principles of freedom, democracy,

and respect for human rights and fundamental liberties, as well as being in accordance with the Rule of Law."

Women participated actively in government and politics. Of 15 Cabinet Ministers, 5 were women, including the Foreign Minister. The Speaker of the Chamber of Deputies was a woman. Of the 350 members of the lower house, 110 were women. Of 259 Senators, 65 were women. One of the country's two European Union (EU) Commissioners was a woman. At year's end, 21 of the 64 Spanish members of the European Parliament were women.

The Government did not keep statistics on the ethnic composition of the national parliament. The Spanish city enclaves of Ceuta and Melilla in North Africa had Muslim political parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Constitution provides for an ombudsman, called the People's Defender, whose duties include actively investigating complaints of human rights abuses by the authorities (see Section 1.d.). The Ombudsman operated independently from any party or government ministry, was elected every 5 years by a three-fifths majority of the Congress of Deputies, and was immune from prosecution. He had complete access to government institutions and to all documents other than those classified for national security reasons, and could refer cases to the courts on his own authority. The Ombudsman had a staff of approximately 150 persons and received approximately 15,000 complaints as of September. The majority of the complaints pertained to health and social services, integration and shelter services for immigrants, moving of imprisoned persons from one penitentiary to another, and lack of adequate facilities in such penitentiaries. Government agencies were responsive to the Ombudsman's recommendations. Several of the autonomous communities had their own ombudsman, and there were ombudsmen dedicated to the rights of specific groups, such as women, children, and persons with disabilities.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens, and discrimination on the basis of sex, race, ethnicity, nationality, disability, or ideology is illegal; however, social discrimination against Roma and immigrants continued to be problems.

Women

Violence against women, particularly domestic violence, remained a problem. According to the Government, as of November, 64 women and 35 men had been killed as a result of domestic violence, and women had filed 13,016 criminal complaints and 32,996 misdemeanor complaints against their husbands or male partners. The Government continued to take steps to reduce violence against women.

The law prohibits rape and spousal abuse. As of November, 1,514 reports of rape had been received. There were 54 Civil Guard units that assisted battered women and 43 similar units in the National Police. There were 53 offices that provided legal assistance to victims of domestic violence and approximately 225 shelters for battered women. A 24-hour free national hotline that advised women or where to find local assistance or shelter operated during the year. The Ministry of Labor and Social Affairs also operates the Women's Institute, dedicated to women's issues.

The Government of Catalonia and the Chief Public Prosecutor signed an agreement providing that a doctor should examine female immigrants in Catalonia in danger of suffering from female genital mutilation (FGM) "ablation" when traveling to their countries of origin and again upon return. If they were victims of FGM, the parents could lose custody of the child. Also, in the province of Girona, a protocol prohibiting FGM prevented six such cases from being performed on young girls during the year.

Prostitution is not itself illegal, but forcing others into involuntary prostitution and organizing prostitution rings are illegal. Trafficking in women and minors for the purpose of prostitution was a problem (see Section 6.f.). An NGO, Proyecto Esperanza (Project Hope), was contracted by the Government to provide protection, housing, and counseling support to women who were the victims of trafficking or other abuse.

The law prohibits sexual harassment in the workplace; however, as of November, the Women's Institute reported 283 complaints of sexual harassment. Although prohibited by law, discrimination in the workplace and in hiring practices persisted.

Discriminatory wage differentials continued to exist. A report during the year by the General Workers' Union showed that the average hourly income of women was 86 percent of the average hourly income of men. In addition, the Minister of Social Affairs reported that while as of June 30, women constituted 38.33 percent of the work force, they held only 16.13 percent of senior management positions. By June 30, the female unemployment rate was 15.79 percent, almost twice the 7.95 percent rate for males on the same date. Women outnumbered men in the legal, journalism and health care professions, but still played minor roles in many other fields. In June, the Ministry of Labor presented the National Action Plan to eradicate wage discrimination. Any accusation of salary discrimination must be investigated within 24 hours, and the final report from the Labor Inspection Office must be completed within 2 months (down from 9 months, previously).

Employers were exempted from paying social security benefits to temporary workers who substituted for workers on leave for maternity, child adoption, or similar circumstances. A ministerial order to increase women's presence in sectors in which they are underrepresented provided a 2-year reprieve from paying social security taxes to employers who hired women in these sectors.

Children

The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. Education was compulsory until age 16 and free until age 18. However, many Romani children did not attend school on a regular basis and some complained of harassment in schools.

The Constitution obligates both the State and parents to protect children. In March, the Council of Ministers authorized the signing of the Hague Agreement of 1996 regarding competences, applicable law, and cooperation for parental protection of children. The Ministries of Health and Social Affairs were responsible for the welfare of children and have created numerous programs to aid needy children. Numerous NGOs promoted children's rights and welfare, often through government-funded projects. Several of the Autonomous Communities had an office of the Defender of Children, an independent, nonpartisan agency charged with defending children's rights. Under the Penal Code, children under the age of 18 are not considered responsible for their actions and cannot be sent to prison.

Access to the national health care system was equal for girls and boys.

There were isolated reports of violence against children, although there appeared to be no societal pattern of abuse of children.

Trafficking in teenage girls for prostitution was a problem (see Section 6.f.).

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets.

Persons with Disabilities

The Constitution calls for the State to provide for the adequate treatment and care of persons with disabilities, ensuring that they are not deprived of the basic rights that apply to all citizens. The law aims to ensure fair access to public employment, prevent discrimination, and facilitate access to public facilities and transportation. The national law serves as a guide for regional laws; however, levels of assistance and accessibility differed from region to region. According to documentation from the Spanish Center for Disability Documentation, regional regulations on access for persons with disabilities were most lacking in Murcia, Ceuta and Melilla. Nevertheless there were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services.

The law continued to permit parents or legal representatives of a person with mental disabilities to petition a judge to obtain permission for the sterilization of that person. The Constitutional Court has held that sterilization of persons with mental disabilities did not constitute a violation of the Constitution, and many courts in the past have authorized such surgery. This applies equally to both sexes. There were no reports of such sterilizations being performed in during the year.

The Government subsidized companies that employed persons with disabilities, mandating that all businesses that employed more than 50 persons either hire persons with disabilities for at least 2 percent of their workforce, or subcontract a portion of their work to special centers that employed persons with disabilities. According to an NGO that advocates on behalf of persons with disabilities, not all companies complied with this regulation, primarily because they did not know the law. New regulatory legislation for companies that want to have access to public contracts is expected to make companies aware of their obligations under this law.

National/Racial/Ethnic Minorities

Public opinion surveys indicated the continued presence of racism and xenophobia, which resulted in discrimination and, at times, violence against minorities. The NGO "SOS Racism" has denounced the growing number of Neo-Nazi groups in Catalonia.

In July, Barcelona police arrested the owner of a bookstore that was selling books that fomented racism and condoned genocide. The police seized more than 10,000 books, videotapes, magazines and swastikas on sale to young people with a Nazi ethos.

The growth of the country's immigrant population at times led to social friction, which in isolated instances had a religious component. Muslim community representatives stated that there were significant anti-Moroccan immigrant feelings. In May, a group of skinheads attacked some members of the Moroccan community in the Catalan town of Terrassa, but this attack was apparently more racially motivated than religious. Authorities have not taken action against the unidentified perpetrators.

Roma continued to face marginalization and discrimination in access to employment, housing, and education. The Romani community, whose size was estimated by NGOs at several hundred thousand, suffered from substantially higher rates of poverty and illiteracy than the population as a whole. Roma also had higher rates of unemployment and underemployment. According to the national NGO Secretariado General Gitano, approximately 46 percent of Roma adults were unemployed. Roma occupied the majority of the country's sub-standard housing units. Several NGOs dedicated to improving the condition of Roma received federal, regional, and local government funding.

According to a 2000 study of primary education by the Gypsy General Secretariat Association (ASGG), an NGO, Roma children lagged significantly behind the general population in several areas, including integration into school routines and social interaction with other children, and lacked family support for education. Roma truancy and dropout rates remained significantly above average. However, the study showed improvements over the results of a similar study done in 1994, especially in early school access (94 percent entered school at age 6) and academic achievement (44 percent finished secondary level).

Languages or dialects other than Castilian Spanish are used in 6 of the 17 autonomous communities. The Constitution stipulates that citizens have "the duty to know" Castilian, which is the "official language of the state;" however, it also provides that other languages also may be official under regional statutes and that the "different language variations of Spain are a cultural heritage which shall...be protected." Laws in the Autonomous Communities of the Basque Country, Galicia, and Valencia require the community governments to promote their respective regional languages in schools and at official functions.

The Law of the Catalan Language stipulated the use of Catalan as the official language in local government and administrative offices, regional courts, publicly owned corporations, and private companies subsidized by the Catalan regional Government. Spanish-speaking citizens had the right to be addressed in Spanish by public officials. The legislation also established minimum quotas for Catalan-language radio and television programming.

During the year, the Catalan regional government signed an agreement with various socio-economic institutions to increase the use of the Catalan language in public places. The Catalan Government also rejected the Government's decree mandating a specific number of Castilian Spanish language classes in all autonomous regions, calling it an "invasion" of autonomous responsibilities. Critics contended that efforts to promote the use of non-Castilian languages made it more difficult for Castilian speakers to live and work in those areas.

Section 6 Worker Rights

a. The Right of Association

The Constitution and laws ensure that all workers, except those in the military services, judges, magistrates, and

prosecutors, are entitled to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 15 to 20 percent of the workforce was unionized. Under the Constitution, trade unions are free to choose their representatives, determine their policies, and represent their members' interests. Unions were not restricted or harassed by the Government and were independent of political parties. The two main labor federations were the Workers' Committees (Comisiones Obreras) and the General Union of Workers (Union General de Trabajadores).

The law prohibits discrimination by employers against trade union members and organizers. Discrimination cases have priority in the labor courts. The law gives unions a role in controlling temporary work contracts to prevent the abuse of such contracts and of termination actions. Unions nonetheless contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing. As of June 30, approximately 31 percent of all employees were under temporary contracts.

Unions are free to form or join federations and affiliate with international bodies and did so without hindrance.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, including for all workers in the public sector except military personnel, and unions exercised this right in practice. Public sector collective bargaining includes salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 85 to 90 percent of workers, even though only approximately 15 to 20 percent of workers were union members.

The Constitution provides for the right to strike and workers exercised this right. A strike in non-essential services was legal if its sponsors gave 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. The Constitutional Court has interpreted the right to strike to include general strikes called to protest government policy. According to the National Business Association, as of June 30, there had been 275 strikes, with approximately 381,000 participants and 1 million lost workdays. The law prohibits retaliation against strikers, and there were no general strikes during the year.

Labor regulations and practices in free trade zones and export processing zones are the same as in the rest of the country.

Union membership in these zones reportedly is higher than the average throughout the country.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor was generally not a problem. The statutory minimum age for the employment of children is 16 years old. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs primarily was responsible for enforcement, and the minimum age was enforced effectively in major industries and in the service sector. It was more difficult to enforce the law on small farms and in family-owned businesses, where some child labor persisted. Legislation prohibiting child labor was enforced effectively in the special economic zones.

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets. These children cannot legally work; as a result, many survived through petty crime.

There were reports that persons were trafficked for forced and bonded labor (see Section 6.f.).

e. Acceptable Conditions of Work

Each year the Government revises its minimum wage for workers over age 18, in line with the consumer price index. The Government raised the minimum wage for this year by 2 percent, to \$564 (451.20 euros) monthly or \$19 (15.04 euros) daily. The national minimum wage generally provided a decent standard of living for a worker and family; however, this was not the case in all areas of the country. The Ministry of Labor effectively enforced the

minimum wage. The law set a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Workers received 12 paid holidays a year and 1 month's paid vacation.

The National Institute of Safety and Health in the Ministry of Labor and Social Security had technical responsibility for developing labor standards, but the Inspectorate of Labor had responsibility for enforcing the legislation through judicial action when infractions were found. Unions have criticized the Government for devoting insufficient resources to inspection and enforcement. Workers have firm legal protection for filing complaints about hazardous conditions.

Unions and NGOs concerned with immigrant rights reported that illegal immigrants often worked for sub-standard pay and in sub-standard conditions, mainly in agriculture. Illegal aliens, estimated by the Government at between 500,000 and 700,000, do not have the right to join unions or to strike.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women and teenage girls remained a problem. There were a few reports of trafficking of younger minors.

The law defines trafficking as a criminal offense. The penalty for trafficking is 2 to 4 years' imprisonment and a fine, or 6 to 12 years if a public official commits the crime. The exploitation of prostitutes through coercion or fraud and the exploitation of workers in general also are illegal, although prostitution itself is not illegal. Trafficking in workers was punishable by 2 to 5 years' imprisonment and a fine. During the year, law enforcement agencies arrested 242 individuals for labor exploitation and 761 individuals for sexual exploitation.

The Government specifically targets trafficking as part of its broader plan to control immigration; for example, the police actively pursued and prosecuted organized crime groups who used false identity documentation for immigrant smuggling of all kinds, including trafficking. Within the Interior Ministry, the National Police Corps had primary responsibility for all matters pertaining to immigration, including trafficking. Regional authorities also participated in fighting organized criminal activity, including trafficking. In addition, the Interior Ministry chaired an interagency committee on all immigration issues, including trafficking. The Ministries of Foreign Affairs, Health, Education, Treasury, and Labor also were members of the committee. The main police school gave courses on trafficking issues, such as the recognition of fake documents and the best ways to identify traffickers.

In July, the Government signed an agreement with Mauritania to return illegal immigrants to that country even if they were citizens of another country. This is not limited to victims of trafficking, but applies to all illegal immigrants in the country.

The country was both a destination and transit country for trafficked persons for the purpose of sexual exploitation, and to a lesser degree forced labor (see Section 6.d.). Women were trafficked primarily from Latin America (Colombia and Ecuador), East European countries (Romania and Bulgaria), sub-Saharan Africa (Nigeria, Guinea, Sierra Leone), and, to a lesser extent, North Africa. Asians, including Chinese, were trafficked to a much lesser degree, and more often for work other than prostitution. Trafficking involved almost exclusively the importation of women for prostitution, although there were reports of occasional cases in which victims were employed in other work, including agriculture and sweatshops. Trafficked women were usually 18 to 30 years of age, but some girls were as young as age 16.

Traffickers used coercion, including confiscation of documents, violence, and threats against family members to keep victims working in prostitution. As a group, women from Eastern Europe reportedly were subjected to more severe violence and threats by traffickers. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture and then forced them into prostitution upon their arrival in the country.

The law allows for trafficked persons to remain in the country if they agree to testify against the perpetrators. After legal proceedings conclude, the individual is given the option of remaining in the country or returning to the country of origin. Victims were encouraged to help police investigate trafficking cases and to testify against traffickers. The Government worked with and funded NGOs that provided assistance to trafficking victims. In addition, regional and local governments provided assistance either directly or through NGOs.

Project Hope, a program backed by the Catholic NGO Las Adoratrices and government agencies, specifically was designed to assist trafficking victims. The project operated shelters in Madrid and provided assistance with medical and legal services and acted as liaison with law enforcement for victims who chose to testify against traffickers.

Project Hope received many of its referrals directly from police.